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SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-6 (Sub-No. 417X)

THE BURLINGTON NORTHERN AND SANTA FE RAILWAY COMPANY  
–ABANDONMENT EXEMPTION–IN CLAY COUNTY, MN

Decided: June 23, 2004

The Burlington Northern and Santa Fe Railway Company (BNSF) filed a notice of exemption under 49 CFR 1152 Subpart F–Exempt Abandonments to abandon a 15.91-mile line of railroad between milepost 18.09 near Glyndon and milepost 34.00 near Felton, in Clay County, MN. Notice of the exemption was served and published in the Federal Register on May 25, 2004 (69 FR 29782). The exemption is scheduled to become effective on June 24, 2004.

The Board's Section of Environmental Analysis (SEA) served an environmental assessment (EA) in this proceeding on May 28, 2004. In the EA, SEA states that the National Geodetic Survey (NGS) has advised that eleven geodetic station markers have been identified that may be affected by the proposed abandonment. Therefore, SEA recommends that BNSF be required to consult with NGS and provide NGS with 90 days' notice prior to salvage activities to plan for their relocation.

SEA states that the Minnesota Pollution Control Agency (MPCA) has indicated that possible impacts to streams, rivers, lakes, and wetlands from erosion and stormwater runoff should be avoided or mitigated as much as possible to lessen any potential adverse impacts. MPCA has indicated that mulching, seeding, and sodding should be done to establish permanent ground cover and to stabilize soil distributed by construction activities in the areas of surface waters, and implemented without the use of fertilizers containing phosphorus. MPCA has further indicated that the United States Department of Agriculture Soil Conservation Service and/or the County Soil and Water Conservation District should design the site erosion control plan. MPCA recommends that a thorough inspection of any switching areas be conducted for possible oil spills, and that BNSF should provide it with information on the disposal of railroad ties that are to be removed from the abandoned line. Therefore, SEA recommends that, prior to any salvage activities, BNSF be required to consult with MPCA to address possible adverse impacts to surface waters and wetlands, inspection of any switching areas for contaminated soils, and the handling and disposal of railroad ties.

SEA also states that the U.S. Environmental Protection Agency (EPA), Region 5, has expressed concerns regarding BNSF's removal and salvage methods that will be used during the proposed abandonment, the final disposition of crossties preserved with creosote, procedures for storing and fueling of construction equipment, procedures for the prevention and/or control of spills from construction equipment, soil erosion and stormwater runoff mitigation practices that will be utilized during abandonment activities, revegetation methods, and bridge and culvert maintenance activities following abandonments. Therefore, SEA recommends that, prior to commencement of any salvage activities, BNSF be required to contact EPA, Region 5 (Kathleen Kowal, 312-353-5206), regarding removal and salvage methods, final disposition of crossties preserved with creosote, procedures for storing and fueling of construction equipment, procedures for the prevention and/or control of spills, stormwater runoff mitigation practices that will be utilized during abandonment activities, revegetation methods, and bridge and culvert maintenance activities following abandonment.

SEA further states that the Minnesota Historical Society (SHPO) has advised that, based on its review, there does not appear to be any buildings or structures individually eligible along the line for listing in the National Register of Historic Places. But, as for the line itself, its construction as the St. Vincent Extension of the St. Paul and Pacific Railroad, begun in 1872, provided a link to Winnipeg via the Canadian Pacific Railway by 1879. Therefore, it may have significance as an important early rail link. Accordingly, SEA recommends in the EA that BNSF retain its interest in and take no steps to alter the historic integrity of all sites and structures on the right-of-way that are 50 years old or older until completion of the section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f (NHPA).

The conditions recommended by SEA will be imposed. As conditioned, this decision will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. This proceeding is reopened.
2. Upon reconsideration, the exemption of the abandonment of the line described above is subject to the conditions that BNSF: (1) consult with NGS and provide NGS with 90 days' notice prior to salvage activities to plan for the relocation of the eleven geodetic station markers on the line; (2) prior to beginning any salvage activities, consult with MPCA to address possible adverse impacts to surface waters and wetlands, inspection of any switching areas for contaminated soils, and the handling and disposal of railroad ties; (3) prior to the beginning of any salvage activities, contact the EPA, Region 5 (Kathleen Kowal, 312-353-5206), regarding removal and salvage methods, final disposition of crossties preserved with creosote, procedures for storing and fueling of construction equipment, procedures for the prevention and/or control of spills, stormwater runoff mitigation practices that will be utilized during abandonment

activities, revegetation methods, and bridge and culvert maintenance activities following abandonment; and (4) retain its interest in and take no steps to alter the historic integrity of all sites and structures on the right-of-way that are 50 years old or older until completion of the section 106 process of the NHPA.

3. This decision is effective on its service date.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams  
Secretary